



General Assembly

Substitute Bill No. 1154

January Session, 2013



**AN ACT CONCERNING THE ACCIDENTAL FAILURE OF SUIT
STATUTE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-592 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage and*
3 *applicable to actions pending on or filed on or after said date*):

4 (a) If any action, commenced within the time limited by law, has
5 failed one or more times to be tried on its merits because of insufficient
6 service or return of the writ due to unavoidable accident or the default
7 or neglect of the officer to whom it was committed, or because the
8 action has been dismissed for want of jurisdiction, or because the
9 action has been otherwise avoided or defeated by the death of a party
10 or for any matter of form, or because the action has been dismissed
11 once pursuant to subsection (c) of section 52-190a; or if, in any such
12 action after a verdict for the plaintiff, the judgment has been set aside,
13 or if a judgment of nonsuit has been rendered or a judgment for the
14 plaintiff reversed, the plaintiff, or, if the plaintiff is dead and the action
15 by law survives, [his] the plaintiff's executor or administrator, may
16 commence a new action, except as provided in subsection (b) of this
17 section, for the same cause at any time within one year after the
18 determination of the original action or after the reversal of the
19 judgment.

20 (b) When any action has been brought against an executor or
21 administrator or continued against an executor or administrator after
22 the death of the defendant and has failed for any of the causes listed in
23 subsection (a) of this section, the plaintiff, or [his] the plaintiff's
24 executor or administrator in case a cause of action survives, may
25 commence a new action within six months after the determination of
26 the original action.

27 (c) If an appeal is had from any such judgment to the Supreme
28 Court or Appellate Court, the time the case is pending upon appeal
29 shall be excluded in computing the time as [above] limited in
30 subsections (a) and (b) of this section.

31 (d) The provisions of this section shall apply to any defendant who
32 files a cross complaint in any action, and to any action between the
33 same parties or the legal representatives of either of them for the same
34 cause of action or subject of action brought to any court in this state,
35 either before dismissal of the original action and its affirmance or
36 within one year after the dismissal and affirmance, and to any action
37 brought to the United States circuit or district court for the district of
38 Connecticut which has been dismissed without trial upon its merits or
39 because of lack of jurisdiction in such court. If such action is within the
40 jurisdiction of any state court, the time for bringing the action to the
41 state court shall commence from the date of dismissal in the United
42 States court, or, if an appeal or writ of error has been taken from the
43 dismissal, from the final determination of the appeal or writ of error.

44 (e) The provisions of this section shall apply to any claim against the
45 state for which a notice of claim has been properly and timely filed
46 with the Office of the Claims Commissioner in accordance with
47 sections 4-147 and 4-148 and which thereafter has been dismissed by
48 the Claims Commissioner pursuant to section 4-142.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage and applicable to actions pending on or filed on or after said date</i>	52-592
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JUD *Joint Favorable Subst.*